

REMARKS

Claims 1-6, 8 and 9 are pending in this application. By this Amendment, claims 1-3 are amended and claim 7 is canceled without prejudice to or disclaimer of the subject matter recited therein. Independent claim 1 is amended to incorporate the features of dependent claim 7, revised for clarity as discussed during the personal interview, and dependent claim 7 is canceled. Claims 2 and 3 are amended to rewrite these claims in independent form to include the features of base claim 1. Reconsideration of this application is requested in view of the above amendments and the following remarks.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Briggs in the September 10, 2007 telephonic interview and by Examiner Briggs and Examiner Schechter in the September 25, 2007 personal interview. Applicants thank the Examiners for issuing a September 10, 2007 communication confirming that the finality of the June 26, 2007 Office Action is withdrawn. Applicants' separate record of the substance of the interviews is incorporated into the following remarks.

As agreed during the September 10, 2007 telephonic interview, the finality of the June 26, 2007 Office Action was improper, and was withdrawn.

The Office Action rejects claims 1-9 under 35 U.S.C. §102(e) over White et al. (U.S. Patent No. 6,532,152). The rejection of canceled claim 7 is moot. Applicants respectfully traverse the rejection of claims 1-6, 8 and 9.

As the Examiners tentatively agreed during the personal interview, White fails to disclose a touch panel apparatus having a spacer member that is not in contact with a liquid crystal section, as now recited in independent claim 1. Thus, claim 1, as well as claims 4-6 which depend from claim 1, are patentable over White.

White discloses a shock resistant portable computer having an LCD 114 and a shock absorbing frame 300 encasing the perimeter of the LCD 114. The Office Action asserts that

the LCD 114 and shock absorbing frame 300 disclosed in White correspond, respectively, to the recited liquid crystal section and spacer member. However, as clearly illustrated in Figs. 3A-3C, White discloses a portable computer having an LCD 114 that is in contact with a shock absorbing frame 300.

As also tentatively agreed during the personal interview, White fails to disclose a touch panel apparatus including a spacer member having a portion that covers the liquid crystal section provided in a rear surface with a recess for defining a clearance between the spacer member and the liquid crystal section, as recited in independent claim 2. Thus, claim 2, as well as claim 8 which depends from claim 2, also is patentable over White.

As further tentatively agreed during the personal interview, White fails to disclose a touch panel apparatus including a spacer member having a portion that covers the liquid crystal section provided in a front surface with a recess for defining a clearance between said spacer member and said touch panel, as recited in independent claim 3. Thus, claim 3, as well as claim 9 which depends from claim 3, also is patentable over White.

Therefore, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6, 8 and 9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Robert M. Jackson
Registration No. 46,796

JAO:RMJ/axl

Date: September 26, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p>
